

EXHIBIT D



Sullivan & Worcester LLP

1633 Broadway

New York, NY 10019

212 660 3000

sullivanlaw.com

January 7, 2022

VIA EMAIL

Joshua Berman, Esq.
White & Case LLP
1221 Avenue of the Americas
New York, NY 10020-1095
joshua.berman@whitecase.com

Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo,*
Case No. 16-cv-4480 (JMF)

Dear Joshua:

I refer to the court conference on Wednesday, January 5, 2022, concerning Ivanhoe Mines US LLC (“Ivanhoe US”)’s motion to quash the third-party subpoena of Export-Import Bank of the Republic of China (“Ex-Im Bank”).

You stated there that Ivanhoe US does not have custody or control over any documents responsive to the subpoena. Thus, the arguments set forth in your motion—arguments which we utterly reject—would seem to be moot, requiring no “meet and confer.” Ivanhoe US should formally respond to the subpoena, certifying that it has neither custody nor control over any responsive documents. If that is Ivanhoe US’s response, we shall then consider further steps, waiving no rights of course. Please advise.

Kind regards,

A handwritten signature in blue ink, appearing to read "PES". It is a cursive style with a long horizontal flourish extending to the right.

Paul E. Summit
Direct line: 617-338-2488
psummit@sullivanlaw.com